

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERALD LESAN,

Defendant.

NO. CR15-387RJB

**MOTION TO DISMISS INDICTMENT
WITHOUT PREJUDICE**

Noting date: January 20, 2017

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Matthew P. Hampton, Assistant United States Attorney, hereby files this Motion to Dismiss the Indictment in the matter against GERALD LESAN, as the defendant passed away on December 31, 2016. *See United States v. Rich*, 603 F.3d 722, 724 (9th Cir. 2010) (“[D]eath . . . abates all proceedings in the prosecution . . .”) (citing *Durham v. United States*, 401 U.S. 481 (1971) (*per curiam*)).

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1 Accordingly, the government respectfully request that the Court dismiss the
2 indictment without prejudice and terminate the case.

3 DATED this 9th day of January, 2017.

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5 Respectfully submitted,

6 ANNETTE L. HAYES
7 United States Attorney

8
9 /s/ Matthew P. Hampton

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CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant.

s/Emily Miller

EMILY MILLER

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